

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING

DATE: December 2-3, 1999

TIME: 9:00 am – Both Days

LOCATION: Holiday Inn – Select
3400 Market Street
Riverside, CA 92501

PRESENT: Mary Jo Gorney-Moreno, PhD, RN, President (Second day only)
Sharon Ecker, RN, Vice President
Genevieve D.R. Deutsch, RNC, OGNP
Sandra Erickson, CRNA
Monta Huber, Public Member
Judith M. Jonilonis, RN, BBA, CNOR
Seth Liebman, Esq., Public Member
LaFrancine Tate, Public Member

NOT PRESENT Thomas C. Kravis, MD

ALSO PRESENT: Ruth Ann Terry, MPH, RN, Executive Officer
Susan Brank, Assistant Executive Officer
Elliot Hochberg, Manager, Enforcement Program
Kathy Meyer, Manager, Diversion Program
Heidi Goodman, Manager, Licensee & Administrative Services
Louisa Gomez, Manager, Licensing Standards & Evaluation; Advanced Practice
Maria Bedroni, MN, RN, NP, Supervising NEC
Louise Bailey, MEd, RN, NEC
Usrah Claar-Rice, MSN, RN, NEC
Jean Harlow, MSN, RN, NEC
Janette Wackerly, MBA, RN, NEC
Kay Weinkam, MS, RN, CNS, NEC
Grace Arndt, MSN, RN, NEC
Donna Drugatz, MSN, RN, NEC
Shelley Lockett, MPH, RN, NEC
Wesley Miyamura, Probation Monitor
LaVonne Powell, Legal Counsel
Alan Meth, Administrative Law Judge
Loretta Nickerson, Deputy Attorney General
Ellen Jibben, Recording Secretary

Thursday, December 2, 1999

1.0 CALL TO ORDER

S. Ecker, Vice President, called the meeting to order at 9:20am and had Board members introduce themselves. The Board welcomed students and faculty from El Camino College, Glendale Community College, Golden West College.

2.0 DISCIPLINARY MATTERS

Reinstatement - Open Session

COOK, Burr Lynn Granted

GONZALES, Gertrudes R Denied

HOLLER, Georgia Irene Granted

RAITANO, Mary Angela Granted

REED, Clyde William Denied

Closed Session Discussion Items

S. Ecker, Board Vice President, called the closed session meeting to order at 2:35pm.
The closed session adjourned at 3:45 pm.

Friday, December 3, 1999

M. J. Gorney-Moreno, President, called the meeting to order at 9:14 am. The President had the Board members introduce themselves.

3.0 OPEN FORUM

No one came forward to speak.

4.0 APPROVE/NOT APPROVE MINUTES OF September 9-10, 1999

MSC: Huber / Jonilonis- That the Board approve the minutes from September 9-10, 1999.
8-0-0

5.0 REPORT ON BOARD MEMBERS' ACTIVITIES

On October 6, 1999 S. Erickson and F. Tate attended the Governor's Conference for Women.

On October 7, 1999 M.J. Gorney-Moreno, S. Ecker, S. Erickson, J. Jonilonis, G. Deutsch, and F. Tate attended the 1999 CSPCN/CIC Nursing Conference.

M.J. Gorney-Moreno participated in a program sponsored by the Hospital Council of Northern California.

6.0 EXECUTIVE OFFICER'S REPORT ON BOARD AND DEPARTMENT ACTIVITIES

R. Terry presented this report.

1.0 DCA Updates - New Appointments

Howard Sarasohn was appointed to the position of Deputy Director over the Division of Administration and Information Services effective September 1, 1999. During his 32 years in state services he has served in several key positions that include accounting, personnel, information technology, labor relations and business services. He was the Project Manager for CALPERS where he managed the development of a commercial office building and residential housing complex; he served with the State Controllers office as the Chief Deputy managing six operating divisions and remediation of all computer systems to become Y2K Compliant.

Jennifer Baker is the Chief Information Officer of Office of Information Services (OIS). In her 25 years of state service she has held various positions at Department of Health Services, California Highway Patrol and Mental Health.

Don Morishita is the Personnel Officer. He has held a variety of staff and management positions with the Department of Motor Vehicles and Social Services.

Lynn Morris is now Deputy Director for Board Relations. Kathy Hamilton, Director and Denise Brown, Transition Deputy will oversee the Legislative and Regulatory Review Unit, which was formerly headed by Lynn Morris. Robert Puleo is the primary contact for legislative proposals.

Validation of Exams – Business and Profession Code 139 requires guidelines for validation of exams. The policy has been established and distributed to all Boards, Bureaus, and Commissions. Integrated Examination Services are now being provided through a Master Service Agreement (MSA) for computer exam services for three Board of Behavioral Science programs and Psychiatric Technicians. Other programs will be added within the next two years. The owner/operator of the test sites is Experior Assessments and there are currently sites in Sacramento, Alameda, Diamond Bar, and San Diego. Some national credentialing firms are inquiring about using these sites, since they are secure and are not franchised or sublet.

Governor's Office Appointments Secretary - Dario Frommer has left the Governor's Office to run for the Assembly. Michael Yamaki is the new Appointments Secretary for board and exempt positions. He requests that each position have a group of the top 3 candidates, not a single recommendation from departments. There will be no grandfathering of existing appointees.

Disabled Advisory Committee (DAC) Appointment - Jacque Kelly, BRN Office Services Supervisor II, has been appointed to serve on this committee. The DAC will represent the interests and concerns of all disabled employees of the Department. Its objective is to develop and implement policies that will accelerate the hiring of persons with disabilities and to provide input to management on the employment of disabled persons. Congratulations, Jacque.

2.0 Y2K Update

Member Board Office System (MBOS) – This system provides the link to the RN testing service and communicates candidate eligibility and test results. It was to have been upgraded to a web-based application in late October. After extensive review by the testing service it was decided that this new application required further testing and development. However, in order to meet the mandate of being Y2K compliant by December 15, 1999, the Board in conjunction with the Board of Vocational Nursing and Psychiatric Technicians, NCSBN and the test service, have developed two alternatives. The first is to develop a direct transmission using the departments Unix system. The second alternative is to use a Y2K compliant version of Expedite software, that is due to arrive shortly, load it onto the new computer equipment that was supplied by the NCSBN and configure the system to match the current process. Everyone involved has been very supportive of the goal to ensure a smooth transition into the New Year.

3.0 Nursing Summit 1999 Update

Confronting the Nursing Shortage – Challenges and Opportunities was held on October 7, 1999, at the Sacramento Convention Center. Over 700 RNs, LVNs, advanced practice nurses and students attended this conference sponsored by the BRN, Board of Vocational Nursing and Psychiatric Technicians, CSPCN/CIC, and the Helen Fuedl Health trust. Attendees heard the latest information about the California nursing workforce; the development of competency based nursing practice, and plans to make educational mobility from LVN to RN and ADN to BSN preparation easier. The program concluded with a panel discussion and the announcement that Governor Davis had signed AB 655 (Scott).

4.0 Personnel

The following personnel transactions have transpired since the last Board Meeting:

NEW HIRES

<u>Employee</u>	<u>Classification</u>	<u>Board Program</u>
Steve Waterman	Office Assistant	Office Support Services
Belinda Lovett	Office Assistant	Office Support Services
Kathleen Bazil	SSA – Case Mgr	Enforcement

SEPARATIONS

Jennifer Richards	Office Assistant	Office Support Services
Rosa Garcia-Farman	Consumer Assistant Tech	Licensing
Fae Fong	Office Assistant	Licensing

7.0 REPORT OF THE ADMINISTRATIVE COMMITTEE

M. J. Gorney-Moreno, Chairperson

7.1 Information Only: Regulation Update

State agencies are required to submit a rulemaking calendar annually to the Office of Administrative Law (OAL) for publication in the California Regulatory Notice Register. The rulemaking calendar is due in November and identifies and provides information on each set of regulations the agency plans to adopt, amend, or repeal during the specified year.

Regulation changes included in the Board's rulemaking calendar are derived from several sources. In addition to the routine regulation review performed by staff, a comprehensive review was conducted in 1996 in response to Executive Order W-129-95. Proposed regulatory changes resulting from the reviews were reported in the Board's 1996 Sunset Review Report. Regulation changes may also be needed to implement new laws, such as AB90 (Cunneen) regarding certification of clinical nurse specialists. Problems and issues encountered in the on-going implementation of Board programs and services may also be resolved best through regulatory changes.

1999 Rulemaking Calendar: In compliance with Government Code section 11017.6 and Executive Order W-144-97, the Board submitted a 1999 Rulemaking Calendar to OAL in November, 1998. The 1999 Rulemaking Calendar contained seven regulatory changes; four of these have moved forward in the regulatory process. They are:

1418 Corpsman---Revises educational requirements for corpsmen to be equivalent to the Board's educational standards for preparation of a competent registered nurse in a Board-approved nursing program. **Status:** Final Rulemaking File submitted to Department of Consumer Affairs (DCA) Director. (The Director has a 30-day review period. Assuming approval, the Rulemaking File is forwarded to OAL for a 30-day review period. If accepted by OAL, the file is then submitted to the Secretary of State and the regulations become effective January 1.)

1445.5 Disciplinary Guidelines---The Guidelines were revised to reflect changes in nursing practice and health care that have occurred since the last revision of the Guidelines in 1995. The changes also provide increased clarity. **Status:** Public hearing conducted November 18, 1999.

1460 Nurse-Midwife Certification---Eliminates two methods of certification that are based on applicant's demonstration of equivalency to completion of a Board-approved nurse-midwifery program. The two methods are challenging a nurse-midwifery curriculum and passage of an examination. **Status:** Final Rulemaking File submitted to DCA.

1419.3 Reinstatement of expired license---Modifies the current requirement that an applicant for reinstatement of a license expired for longer than eight years, even an applicant who has a clear, active RN license in another state, take an examination. **Status:** Proposed regulatory language has been drafted and is being revised based on Board input.

Regulatory language for the remaining three changes has to be developed. The sections to be changed and the purpose for the changes are as follows:

1424, 1425, 1425.1 & 1427 Schools of nursing---Amend existing regulations to be the least intrusive necessary. The authority, responsibility, and accountability of the nursing program director is strengthened and the monitoring of the programs by the Board is lessened.

1482 Nurse practitioner certification---Provide clarity and consistency for applicants seeking certification through the equivalency method.

1496 Clinical nurse specialists---Adopt regulations necessary to implement Assembly Bill 90 (Cunneen, Chapter 159, Statutes of 1997).

2000 Rulemaking Calendar: In November 1999 the Board submitted the 2000 Rulemaking Calendar to OAL. The Calendar contains four carry over changes (license reinstatement, schools of nursing, nurse practitioners, clinical nurse specialist) from the 1999 Calendar and three new changes. (Regulation changes that have been submitted to OAL for public notice do not have to be listed on the rulemaking calendar. Consequently, we did not have to list all of the 1999 changes.)

The additions to the 2000 Rulemaking Calendar are:

1435.2 and 1435.7 Cite and Fine Program---Amend regulations so the Board may appropriately fine licensees for violations of the Nursing Practice Act.

1444 Substantial relationship criteria---Expand the list of acts and crimes which are determined to be substantially related to the qualifications, functions, or duties of a registered nurse.

1444 et. seq. Diversion Program---Amend regulations to conform to statutory changes in Senate Bill 1308 (Figueroa, Chapter 655, 1999).

The Board must approve the specific regulatory language for each of these changes. As usual, staff will draft the proposed language with rationale and present it to the appropriate Board committee. Once approved by committee, it will be submitted to the full Board for action.

7.2 Information Only: National Council Update

After many years of service, Carolyn Yocom, Director of Research has resigned effective December 1999.

Committee appointments – Ruth Ann Terry has been appointed to the by-laws committee and Alice Takahashi to the examination sub-committee.

There will be an Executive Officer's meeting in Chicago on February 25-26, 2000 to discuss mutual recognition and future direction for NCSBN.

8.0 REPORT OF THE LEGISLATIVE COMMITTEE

S. Liebman, Chairperson

8.1 Update on 1999 Legislation

During the 1999 Legislative session the Board has followed bills relative to nursing practice, education, nurses roles in the delivery of health care and administrative functions of the Board. Following are the bills, followed by the Board, that were chaptered or vetoed.

AB 58	Davis	Physicians and Surgeons	Support	Vetoed
AB 78	Gallegos	Health Care Coverage: Board of Managed Health Care	Support	Chaptered 525
AB 285	Corbett	Health Care Coverage: Telephone medical advice	Support	Chaptered 535

AB 359	Aroner	Developmentally Disabled Persons: Health Care	Support	Chaptered 845
AB 394	Kuehl	Health Facilities: Nursing staff	Support	Chaptered 945
AB 486	Wayne	Administrative Law: Advisory interpretation	Watch	Vetoed
AB 655	Scott	Public Postsecondary Education: Nursing report	Support	Chaptered 954
AB 656	Scott	Nurse Assistants: Training programs	Support	Chaptered 719
AB 791	Thomson	Healing Arts: Pain Management	Support	Chaptered 403
AB 1160	Shelley	Long-term Health Care Facilities	Support	Vetoed
AB 1234	Shelley	State Bodies: Open Meeting Notice	Support	Chaptered 393
AB 1363	Davis	School Health Centers	Support	Vetoed
AB 1545	Correa	Nurse Practitioners	Support	Chaptered 914
SB 97	Burton	Health Facilities	Support	Chaptered 155
SB 308	Escutia	Nurses	Support	Chaptered 149
SB 585	Chesbro	Clinical Laboratories	Support	Chaptered 70
SB 816	Escutia	Physician Assistants	Support	Chaptered 749
SB1308	Figueroa	Healing Arts (Omnibus bill)	Support	Chaptered 655

9.0 REPORT OF THE NURSING PRACTICE COMMITTEE

G. Deutsch, Chairperson

Nothing to report at this time.

10.0 REPORT OF THE EDUCATION/LICENSING COMMITTEE

G. Deutsch, Chairperson

10.1 Approve/Not Approve Education/Licensing Committee Recommendations

S. Lockett presented this report

The Education/Licensing Committee met on October 8, 1999 and makes the following recommendations:

Continue Approval of Nursing Education Programs

- Biola University BSN

Defer Continuing Approval of Nursing Education Program

- Glendale Community College ADN

Continue Approval of Advanced Practice Education Program

- Primary Care Associates NP

MSC: Deutsch / Jonilonis – That the Board approve the Education/Licensing Committee recommendations. 8-0-0

10.2 Ratify/Not Ratify Minor Curriculum Revisions

S. Lockett presented this report

The following programs have submitted minor curriculum revisions that have been approved by the Nursing Education Consultants.

- Antelope Valley College ADN
- College of the Canyons ADN
- Cuesta College ADN
- Glendale Community College ADN
- Santa Ana College AND

MSC: Deutsch / Jonilonis – That the Board ratify the minor curriculum revisions. 8-0-0

10.3a Information Only: NCLEX Task Force Update

J. Harlow presented this report

The NCLEX–RN Task Force appointed by the Board on February 5, 1999 has met three times. On October 5, 1999, the task Force examined preliminary results from a survey tool distributed to Directors of all pre-licensure nursing programs. 58% of the programs had responded by the end of September. Robin Nelson, DNSc, RN, Chairperson of Sacramento State University agreed to have the response sheets scanned. She also performed a preliminary analysis of the data. This process will be repeated, as there is now a response rate of 89%.

The preliminary analysis has provided some indicators as to the major factors affecting the ability of first time test takers to pass the NCLEX-RN. The results of the larger group analysis will provide a clearer perspective.

The Task Force plans to review this and other data as they prepare a report and recommendations. They intend to present this report in Summer 2000. The request of Board President Mary Jo Gorney-Moreno that this report be ready for presentation to the August 2000 NCSBN Council meeting is included in this time line.

10.3b Information Only: National Council / NCLEX Update

J. Harlow presented this report

The Board receives quarterly reports from National Council of State Boards of Nursing regarding the pass rates for first - time test takers by jurisdiction, foreign countries, and California prelicensure programs. NECs review these regularly to determine whether their assigned programs are demonstrating a passing rate

that is between 70-75 % or lower than 70 %. When these conditions are noted, the assigned NEC contacts the Program Director to determine plans the faculty have to address this lower pass rate. When this is a persistent problem or the passing score is below 70 %, the program Director is directed to prepare a report to the Board of Registered Nursing. This is then reported to the Education/Licensing Committee.

A report was attached that covered the 12 month period of 10/1/98 – 9/30/99 and the most recent quarter of 7/1/99-9/30/99. During the first quarter of the fiscal year 1999-2000, there were 2,462 California applicants who took the NCLEX-RN examination. 84.81% passed the first time. The national pass rate for this same quarter is 84.61%

11.0 REPORT OF THE DIVERSION/DISCIPLINE COMMITTEE

M. Huber, Chairperson

11.1 Information Only: Enforcement Program Update and Statistics

E. Hochberg presented this report

The Enforcement Program statistics for the first quarter of the fiscal year 1999-2000 (July 1999 through September 1999) were attached.

Based on preliminary first quarter statistics, there will be a projected 200 pleadings filed. This is a 20% increase over the number of pleadings filed during the last fiscal year, and would be the highest number since fiscal year 1993-1994. The number of disciplinary actions against licensees is projected at this preliminary state to be 152, a 16% increase over the last fiscal year.

Program Update

1.0 Nursing Summit – Expert Witness Recruitment

Enforcement Program case analyst Cindo Flores staffed an informational table for expert witness recruitment at the Nursing Summit at the Sacramento Convention Center on October 7, 1999. The Nursing Summit was co-sponsored by the Board of Registered Nursing.

Attendance exceeded over 700 registered nurses. It was an excellent opportunity for Enforcement Program staff to recruit registered nurse expert witnesses. Mr. Flores estimated that at least 300 expert witness applications were provided to registered nurses.

2.0 Prolaw 2000

The Office of the Attorney General (AG) is developing a new automated case management system, titled Prolaw 2000, which is scheduled to be implemented August 2000. Linda Brughelli, Director of the AG's Division of Legal Support and technology, provided a brief overview of the system to executive officers on October 21, 1999. The system should improve reporting and accountability for billing services and case tracking. Boards have an opportunity to provide input on their needs during the next four weeks through the DCA Legal Office. A primary concern that the BRN expressed at the meeting was the need for Supervising Deputy Attorneys General to be able to readily track and act on meaningful case aging reports to ensure that cases are resolved in a timely manner. BRN staff will work closely with the Legal Office to provide input on this new system that has great potential.

3.0 Meeting With The Board Of Vocational Nurse And Psychiatric Technicians

On October 21, 1999 Enforcement Program staff and Nurse Education Consultant Usrah Claar-Rice met with Ann Shuman, Supervising Nurse Education Consultant and Angelina Martin, Enforcement Program

Manager for the Board of Vocational Nurse and Psychiatric Technicians. Ms. Shuman compared the scope of practice for registered nurses with the practice limitations for vocational nurses and psychiatric technicians. She also discussed supervision issues for vocational nurses and psychiatric technicians. Both Ms. Shuman and Ms. Martin discussed cross cutting issues regarding our respective Enforcement Programs. This was an excellent opportunity for both Enforcement Programs to share information and develop closer working relationships.

11.2 Information Only: Recidivism Study

E. Hochberg presented this report

The recidivism study provides background information and describes the purpose of the study, as well as highlights significant descriptive data. Additionally, the study summarizes information regarding license reinstatement outcomes, and future analyses planned.

11.3 Information Only: Diversion Program Update and Statistics

K. Meyer presented this report

The Diversion Program statistical summary for July, August and September 1999 was attached.

Program Update

The Diversion Liaison Committee Meeting was held in October. In addition, Diversion Program staff met with MHN staff on October 5th and discussed the DEC calendar for the year 2000 as well as other items. One Diversion Evaluation Committee member, Gail Jarideau-Pratt nurse member on the Orange county DEC, has resigned.

Diversion Liaison Committee Meeting

A Diversion Liaison Committee meeting was held on September 15, 1999 in Oakland. Eleven of the thirteen DEC's were represented.

Training

Staff was invited to attend training sponsored by the Board of Pharmacy in Sacramento on September 27, 1999. The training was titled "Regulatory Training in the Prescribing of Opioids for Pain". The training included information on the physiology, assessment, treatment and management of pain as well as issues of addiction and pain management. The speakers included a Clinical Pharmacist and an MD who is Board Certified in internal medicine and addiction medicine. The training was interesting and informative.

On September 29, 1999 Diversion Program staff gave training to the new case analysts in the Enforcement Unit about the Diversion Program.

Contract

Diversion staff met with staff from DCA and Diversion Program staff from other Boards on 9/28/99 to discuss the status of the RFP. Concerns were expressed about the length of time it is taking to get the RFP out for bid. A new timeline was developed and if all timeframes are met the new contract could be awarded by February.

DEC Member Orientation

An orientation for new DEC members was held in Sacramento on October 20, 1999.

Diversion Program Statutes

SB 1308 was signed by the Governor on 10/8/99. This was a part of the Department's Omnibus bill and deals with changes relating to confidentiality of Diversion Program participant's records.

Contractor's Statistics, and Statistical Summary

Attached is the Statistical Summary Report for the months of July, August and September 1999.

11.4 Approve/Not Approve DEC Member Appointments

K. Meyer presented this report

In accordance with Section 2770.2 (B&P) the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committee(s) of its Diversion Program.

Each Committee is composed of three registered nurses, a physician and a public member with expertise in chemical dependency or mental health treatment.

Below is the name of a Physician who is being recommended for appointment to the Los Angeles Committee. This Committee has been without a Physician member for several years. The Physician was recruited through the article published in CSAM's summer newsletter. If appointed, his term will expire on June 30, 2004.

APPOINTMENT:

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>TERM</u>
Alan Abrams	Physician	Los Angeles #3	4 years

MSC: Huber / Erickson – That the Board approve the DEC member appointment. 7-0-0

11.5 Approve/Not Approve Procedures for Investigation of Complaints Against Nurse Support Group Facilitators/Co-Facilitators

K. Meyer presented this report

Nurse Support Group Facilitators and Co-Facilitators are approved by the Diversion Program Manager. The approval process consists of reviewing applications and resumes and conducting interviews. When staff receives complaints about these persons, there has never been a clearly defined procedure for the investigation of the complaints. A proposal was presented that addresses the procedures that will be implemented in the event of a complaint against a Facilitator or Co-Facilitator. The procedures will be provided to all Facilitators/Co-Facilitators. This is part of staff's continuing effort to communicate and make clear the role of Facilitators/Co-Facilitators who are an integral part of the Diversion Program.

MSC: Huber/Ecker – That the Board approve the new procedures presented. 7-0-0

12.0 REPORT OF NOMINATING COMMITTEE

Monta Huber reporting

The nominating committee nominated for re-election as President, Mary Jo Gorney-Moreno.

The vote carried 8-0-0.

The nominating committee nominated for re-election as Vice President, Sharon Ecker. G. Deutsch made a nomination for Sandra Erickson for Vice President.

Hearing no other nominations a motion was made and seconded by Huber/Deutsch that the Board close the nominations and open to a vote. With a majority of the votes (5-3) Sandra Erickson was elected as the Vice President and Sharon Ecker as the backup for second Vice President.

13.0 OPEN FORUM

Grace Coarse representing SEIU came forward.

The meeting adjourned at 11:43 am.

Ruth Ann Terry, MPH, RN
Executive Officer

Mary Jo Gorney-Moreno, PhD, RN
President